

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	
To Ensure Compatibility with)	CC Docket No. 94-102
Enhanced 911 Emergency Calling Systems)	
)	
King County, Washington Request)	
Concerning E911 Phase I Issues)	
_____)	

To: Chief, Wireless Telecommunications Bureau

SPRINT PCS COMMENTS

Sprint Spectrum L.P., d/b/a Sprint PCS ("Sprint PCS"), submits these comments in support of the Petition for Reconsideration filed by four providers of commercial mobile radio service ("CMRS") in response to a May 7, 2001 letter issued by the Wireless Telecommunications Bureau ("Bureau") to the E911 Program Manager of King County, Washington.¹

Although the role of public safety, wireless carriers, and the local exchange carriers in wireless enhanced 911 is not always clear, Sprint PCS has actively pursued the deployment of enhanced 911 systems. Sprint PCS is providing Phase I E911 service to over 500 Public Safety Answering Points (PSAPs) and has over 1800 more PSAPs in active Phase I deployment. As

¹ See Petition for Reconsideration Regarding Allocation of Costs of E911 Implementation, 66 Fed. Reg. 35977 (July 10, 2001). See also Letter from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, to Marlys R. Davis, E911 Program Manager, King County E-911 Program Office (May 7, 2001) ("Bureau Letter").

detailed in its Supplemental Phase II Implementation Report filed on this date, Sprint PCS is expending tremendous resources preparing for Phase II services. While Sprint PCS understands the desire of the Commission and Public Safety to further accelerate the deployment of 911 services, Sprint PCS believes the Bureau Letter only confuses the obligations of the parties, and inappropriately shifts the costs of modifying the E911 networks.

I. THE BUREAU’S DECISION IS INCONSISTENT WITH THE EXISTING RULE

Sprint PCS is concerned that the Bureau’s decision does not comport with the existing rules regarding E911 deployment. The decision is inconsistent with Rule 20.18(j), which requires that the PSAP’s E911 network be capable of receiving and utilizing the Phase I information. The Rule provides, in relevant part:

The requirements set forth in paragraphs (d) through (h) of this section shall be applicable only if the administrator of the designated [PSAP] . . . is capable of receiving and utilizing the data elements associated with the service²

The Bureau correctly reaffirmed that PSAPs are responsible for any upgrades necessary to the 911 selective router and the trunking from the 911 selective router to the PSAP, as well as upgrades to the Automatic Location Identification (“ALI”) database and the PSAP customer premise equipment.³ However, in its ultimate decision, the Bureau then creates uncertainty regarding the obligation to upgrade the selective router and associated trunking by shifting that burden from the PSAP.

In order for Phase I information to be transmitted to the PSAP, the E911 network must be capable of handling twenty digits. If the existing E911 network is not capable of transmitting

² 47 C.F.R. § 20.18(j).

³ Bureau Letter at 1 (“PSAPs, on the other hand, must bear the costs of maintaining and/or upgrading the E911 components . . . including the 911 Selective Router itself, the trunks between the Selective Router and the PSAP. . .”).

twenty digits, two alternative technical solutions have been developed to overcome this deficiency. These solutions are commonly referred to as Hybrid Call Path Associated Signaling (“HCAS”) and Non-Call Path Associated Signaling (“NCAS”).⁴ Based upon the decision in the Bureau Letter, PSAPs can now avoid upgrading their E911 network simply by requiring carriers to implement one of these alternative solutions (e.g. HCAS or NCAS) and thereby imposing on CMRS carriers the costs of Phase I “enhancements and/or ‘add-ons.’”⁵

In imposing this new “enhancement/add-on” obligation on carriers, the Bureau has rendered Rule 20.18(j) superfluous. There is no need for Rule 20.18(j) under the Bureau’s new interpretation of the rules because the Bureau has effectively decided each PSAP in the country is already Phase I capable (because they can simply transfer Phase I “enhancement/add-on” costs from themselves to carriers). This modification to the rules creates confusion regarding the responsibilities of the respective parties. As noted above, Phase I deployment is currently proceeding without the need for this modification.

The Bureau Letter also relies upon an inaccurate factual assumption. The Bureau assumes that the “E911 Wireline Network” begins at the selective router,⁶ thus providing support for its decision that CMRS carriers should also fund any network components up to the selective router. However, the record evidence is undisputed that for incumbent LECs, the “E911 Wireline Network” actually extends to the wireline switch serving the 911 caller.⁷ If the E911 wireline network extends to its switch serving the 911 caller, as King County has always

⁴ Bureau Letter at 4.

⁵ *Id.*

⁶ See Bureau Letter at 4 (“The E911 Wireline Network thus consists of: the 911 Selective Router; the trunk line between the 911 Selective Router and the PSAP; the ALI database; and the trunk line between the ALI database and the PSAP.”).

⁷ See Reconsideration Petition at 6.

recognized,⁸ the E911 wireless network must necessarily extend to the mobile switch serving the 911 caller. The Bureau can only reach this decision by treating wireless carriers differently from wireline carriers.

The Commission has long sought CMRS competition with wireline services, and recent data confirms that CMRS carriers are beginning to provide such competition.⁹ Now that the CMRS industry is poised to achieve the Commission's vision, the Bureau has established a discriminatory E911 obligation with one set of rules for wireline carriers and another set of rules for wireless carriers. The Commission has recognized that wireline carriers are entitled to be paid for the E911 services that a wireline carrier provides to the PSAP.¹⁰ Yet by this decision, the Commission is shifting the costs of upgrading the E911 network from the PSAP to the wireless carrier.

This issue highlights the critical role of the existing E911 network in the deployment of wireless E911. The E911 network is operated on behalf of the PSAP and supports both wireline and wireless E911 services. The Commission should take the necessary steps to ensure that the existing E911 network is not acting as a bottleneck for wireless E911. Since all 911 calls and E911 data traverses and utilizes the existing E911 network, it is imperative that the E911 network be capable of utilizing the relevant wireless information.

⁸ See King County Comments, Docket No. 94-102, at 3 (Sept. 13, 2000) ("In Washington State, the PSAPs pay for the selective routing, network, and data base components of the E911 service *from the LEC end offices* to the PSAPs.") (emphasis added).

⁹ See *Sixth Annual CMRS Competition Report*, FCC 01- 192, at 32-34 (July 17, 2001).

¹⁰ See Bureau Letter at 3 ("Thus, an interpretation of section 20.18(d) must account for the presence of the existing E911 Wireline Network which is maintained by the ILEC and paid for by PSAPs through tariffs.").

Of course, the E911 network will be an essential component of Phase II deployment. As Sprint PCS noted in its comments filed July 25, 2001,¹¹ it supports the Wireless Telecommunications Bureau's suggestion that enumerating objective criteria regarding wireless E911 capabilities would facilitate the deployment of Phase II services.

II. THE BUREAU'S DECISION HAS ELIMINATED TECHNOLOGY CHOICE

Additionally, Sprint PCS cannot agree with the conclusion that its decision does "not address the issue of which party — PSAP or carrier — may choose the transmission method or technology to be used to provide Phase I."¹² In fact, the Bureau Letter has decided this very issue. Specifically, it has not only decided that PSAPs can force carriers to use an alternative solution (whether NCAS or HCAS), but when the PSAP makes its election, it can shift the cost of this "enhancement/add-on." It is likely that the decision regarding technology choice will be based more upon the existing functionality of the existing E911 network than negotiations between the parties.

So the record is clear, Sprint PCS supports the NCAS solution for Phase I E911 service. Sprint PCS' objection is that the Bureau, without reasoned decision making, has relieved PSAPs of their obligation to be "capable of receiving and utilizing the data elements associated with the service" simply by transferring this responsibility to carriers.

III. CONCLUSION

As stated above, the decision reached in the Bureau Letter is inconsistent with the existing obligations regarding Phase I because it eliminates the requirement that PSAPs upgrade

¹¹ Sprint PCS Comments, City of Richardson, Texas, Request for Clarification or Declaratory Ruling Concerning Public Safety Answering Point Requests for Phase II Enhanced 911, CC Docket No. 94-102, DA 01-1623 (July 25, 2001).

¹² Bureau Letter at 6.

the E911 network, and it removes the ability to negotiate technology choice. Because the decision in the Bureau Letter changes the respective obligations of the parties and creates the possibility of delay of Phase I deployment, Sprint PCS supports the Petition for Reconsideration.

Respectfully submitted,

SPRINT SPECTRUM, L.P., d/b/a Sprint PCS

July 30, 2001

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CERTIFICATE OF SERVICE

I, Tina Michelle Hall, CLA, hereby certify on that on this 30th day of July, 2001, I served a copy of the foregoing **July 30, 2001 Sprint PCS Comments** by First-Class United States Mail to the following:

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